

Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 22, 24 and 25 have been amended. No claims have been cancelled. Therefore, claims 2-4, 5, 6, 12-20, 22, 24 and 25 are presented for examination.

Claims 2-6, 12-20, 22, 24 and 25 are rejected as being based upon a defective reissue declaration under 35 U.S.C. §251. Applicant will submit a supplemental reissue oath/declaration upon the resolution of the prior art rejections.

Claims 22, 24 and 25 have been objected to because of various informalities. Applicant submits that claims 22, 24 and 25 have been amended to appear in proper condition for allowance.

Claims 2 and 4-5 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chuang et al. (U.S. Patent No. 5,212,831). Applicant submits claims 2, 4 and 5 are patentable over Chuang.

Chuang discloses a low power portable TDM/TDMA digital telephony system that utilizes a fixed base unit (referred to as a "port") and a number of mobile transceivers (each of which is referred to as a "portable"). Through use of time division multiple access (TDMA), each portable can access the port through a separate demand-assigned TDMA channel to carry duplex communication on a time division multiplexed (TDM) basis therebetween. The power used by the transmitter in each portable ranges between 5-10 milliwatts or less on average and provide a range of several hundred to a thousand feet between a port and each of its portables. See Chuang at col. 10, ll. 22-35. The system replaces local copper drops and telephone cords with short range low power radio links, ambulatory callers are provided with completely tetherless access. Thus, callers located within respective residences are completely free to move within the entire service area provided by system 5 (col. 11, ll. 22-33).

Claim 4 recites a pattern of cells and a base station dynamically assigned a first transmission frequency for transmitting to a first cell in said pattern of cells, said first transmission frequency not being assigned to any base station for transmitting to any cell in said pattern of cells adjacent to said first cell. Applicants submit that there is no disclosure of cells in Chuang. In fact, Chuang discloses a portable telephone system. Applicant submits that a portable telephone system is not equivalent to cellular radio communication.

Therefore, claim 4 is patentable over Chuang.

Claim 2 depends from claim 1 and includes additional limitations. Therefore, claim 2 is also patentable over Chuang.

Claim 6 recites a pattern of cells and a base station dynamically assigned a first transmission frequency for transmitting to a first cell in said pattern of cells, said first transmission frequency not being assigned to any base station for transmitting to any cell in said pattern of cells adjacent to said first cell. For the reasons described above with respect to claim 4, claim 6 is patentable over Chuang.

Claim 22 stands rejected under 35 U.S.C. §102(b) as being anticipated by Schmidt (U.S. Patent No. 4,765,753). Applicant submits that claim 22 is patentable over Schmidt.

Schmidt discloses a digital transmission system. Base radio stations are spatially arranged in a radio transmission system in accordance with a cellular system, separating the message transmission channels from adjacent base stations being effected either by using the frequency-division multiplex method or by using the code-division multiplex method or by using a combination of these multiplex methods. In appropriately large spatial distances the same set of channels can be repeated in a further radio cell. If a mobile radio station moves during the conversation from one radio cell into another, then it is necessary to hand-over the then existing radio connection. To avoid the necessity of using additional receivers in each base station and to prevent a repeated hand-over in the event of high co-channel interferences, the measurements used for hand-over decision are effected in the mobile radio station. As part of the method the reception quality of the co-channel message transmission

channels of remote base stations are additionally measured in the mobile station during the existence of a radio connection to a near base station. See Schmidt at Abstract.

Claim 22 recites transmitters in a first cell assigned a first code for modulating radio communication in the first cell and radio signals used in the first cell are spread across a bandwidth sufficiently wide that receivers in a second cell adjacent to the first cell may distinguish communication which originates in the first cell from communication which originates in a second cell. Applicant submits that nowhere in Schmidt is there disclosed such a limitation. Thus, claim 22 is patentable over Schmidt.

Applicant respectfully submits that the rejections have been overcome, and that the claims are now in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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